

FILMING/PHOTOGRAPHY
AT
BIG CYPRESS NATIONAL PRESERVE

"The service...shall promote and regulate the use of ... National Parks ... [its] purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (16 U.S.C. 1)

It is the policy of Big Cypress National Preserve (BICY) to allow filming and photography when and where possible, while adhering to this mandate. Therefore primary consideration will be given to potential resource damage and to anticipated disruption of normal public use.

BICY allows filming and photography when it is consistent with the protection and public enjoyment of Preserve resources, and it avoids conflict with the public's normal use and enjoyment of the Preserve. Aesthetic values such as scenic vistas, natural quiet and dark night skies are resources that we value. We are also sensitive to the environments around our Preserve sites. There are restrictions associated with the use of commercial vehicles, generators, artificial lighting, commercial film equipment, props, sets, and audio devices. Commercial vehicles must be in compliance with all federal and state laws and local ordinances.

The following guidelines are established by the superintendent of BICY as they relate to filming and photographic activities within the park.

Restrictions

The National Park Service cannot accommodate a project if:

- damage to natural, cultural, wilderness, and recreational resources which cannot be mitigated is expected;
- other activities are already planned or expected to occur at the same time and place, and filming or photography would be incompatible;
- the activity involves access to areas normally closed for reasons of resource protection or safety;
- the level of activity within the Preserve is already so high that staff would be unavailable to work with the film crew;
- the project includes a portrayal of activities that are not permitted within a National Park Service Unit;
- the production company is unwilling or unable to obtain necessary insurance; or
- the production company is unwilling or unable to reimburse the National Park Service for costs or comply with National Park Service bond requirements.

Permit Requirement

1. **All commercial filming requires a permit.** Commercial filming is defined as digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project. It does not include news coverage or visitor use.

2. **Still photography activities require a permit only when:**
 - a. the activity takes place at location(s) where or when members of the public are generally not allowed; or
 - b. the activity uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or
 - c. the park would incur additional administrative costs to monitor the activity;
 - d. The park needs to provide management and oversight to:
 1. avoid impairment or incompatible use of the resources and values of the park, or
 2. limit resource damage, or
 3. minimize health or safety risks to the visiting public.
3. **News coverage does not require a permit**, for either filming or still photography, but is subject to time, place, and manner restrictions, if warranted, to maintain order and ensure the safety of the public and the media, and protect natural and cultural resources.

Permit Application Procedures

All commercial filming activities including some site scouting are subject to permit requirements. If site scouting is planned prior to the filming period being applied for, contact the Preserve SUP coordinator for guidance and restrictions on specific locations.

Application

Applications must be requested by phone, e-mail, fax or letter. Completed applications must be returned to the Preserve with payment. There is a \$100 non-refundable application fee. We cannot accept credit cards or cash at this time. Money orders or checks payable to the National Park Service are accepted.

Your request will be evaluated on the basis of the information in your application. If substantial staff resources are expended in the evaluation of the request, the applicant will be billed for the additional costs. All costs of evaluating the request will be billed to the applicant, whether a permit is issued or not. Therefore you are encouraged to attach maps, diagrams, script pages, storyboards, vehicle and equipment lists, crew lists, call sheet, itineraries, shot lists, etc., with your application to assist Preserve staff in evaluating your request.

Most requests should be processed within 30 days if the application is complete and without alteration. Requests involving multiple locations, complex logistics, or coordination with other visitor activities will require a minimum of 30 to 45 days to process. Projects that require environmental or cultural resource evaluation must be submitted no less than 30 days before the start of proposed activities and may require additional time dependent upon project complexity. In compliance with the requirements of the Debt Collection Improvement Act of 1996, applicants must submit their social security number or Federal Tax ID number when filling out the application for permit. Preserve managers will not sign location releases supplied by applicants.

Please submit applications as far in advance as possible.

Contact Information:

- Mail
Big Cypress National Preserve
33100 Tamiami Trail East
Ochopee, Florida 34141-1000
Attn: SUP Coordinator
- Email
Renee_MacKenzie@nps.gov
- Phone
239-695-1117 voice
239-695-2850 fax

Costs

The National Park Service is required to recover all costs associated with permits for filming and photography. All administrative costs involving permit application and processing are nonrefundable and will be charged to the permittee.

Location Fees

Public Law 106-206 (P.L. 106-206), codified at 16 U.S.C. 460l-6d, instructs the Secretaries of the Interior and Agriculture to charge a location fee for all commercial filming and still photography permits. The location fee is in addition to application and cost recovery charges that are currently being collected.

All commercial filming permits and still photography permits are statutorily subject to application fee, cost recovery and a location fee, none of which may be waived. The location fee is determined by the type of activity (commercial filming versus still photography) and by the number of permitted days and the number of people on Preserve lands associated with the permitted activity.

Insurance and Bonding

Insurance and Bonding - General liability insurance by a U.S. company must be carried by the permittee showing the U.S. Government, National Park Service, Big Cypress National Preserve 33100 Tamiami Trail East Ochopee, Florida 34141-1000 as additionally insured. Certificates naming the U.S. Government as "certificate holder" only are ***not*** acceptable. The insurance certificate must identify the production company by name and business address; if the permittee uses a different name than listed on insurance policy, the relationship between insured company and permittee's company must be identified. Short term policies must show coverage on "occurrence" basis. Personal or homeowners liability is not acceptable. Hand-written certificate holder information is unacceptable. We will accept a faxed copy of the certificate until your insurance company can mail us the original.

The minimum amount of commercial liability insurance is one million dollars. Additional amounts may be required for high risk activities. Smaller, low-risk projects or still photography may be eligible for a reduction to \$500,000. Contact the Preserve for details.

Bond

Certain activities may trigger the need for the permittee to post a refundable damage bond. The amount of the bond will be equivalent to the estimated cost to BICY for clean up, repair or rehabilitation of resources or facilities that could potentially be impacted by the permit activities. At the conclusion of the permit, the bond will be returned to the permittee after costs of clean up, repair or rehabilitation are deducted.

The bond amount is determined by estimating the cost of monitoring and site restoration should you fail to adequately care for or complete clean-up of the site. This amount will be specified in the permit. The permittee is responsible for removal of equipment, props, trash, and restoration of the site to original condition or in a condition satisfactory to the National Park Service. If this is not done, all or part of the damage bond will be retained to offset clean-up/recovery expenses. If a surplus remains after the costs have been reimbursed, the surplus is returned to the permittee. If the bond does not cover all the costs, the permittee will be billed for the difference.

Note: Because costs are based on the services provided, the National Park Service does not differentiate between profit and nonprofit documentary projects. Permittee will be billed for monitoring, scouting, conferencing, and any other personnel services provided for filming activities according to the cost recovery schedule.

Cost Recovery Schedule:

Non-refundable application review fee – \$100

Monitoring/Site Scouting – Hourly rate = Actual Cost (approx \$50/hour/monitor with a 2-hour minimum)

Monitor/Site Scouting Cancellation Fee = \$100 minimum (see *Cancellation* below for explanation/conditions)

Location Fees:

Motion Pictures/Videos

1-2 people camera and tripod only	\$0/day
1-10 people	\$150/day
11-30 people	\$250/day
31-49 people	\$500/day
More than 50 people	\$750/day

Commercial Still Photography

1-10 people	\$50/day
11-30 people	\$150/day
More than 30 people	\$250/day

The Preserve may require that charges be paid before work can begin on National Park Service property. Any additional costs will be posted as they occur. Charges must be paid within 14 days of the invoicing.

Pre-Film Conference

The permitting process provides the Preserve and the applicant an opportunity to discuss the proposed project and to establish reasonable conditions to protect National Park Service and Big Cypress National Preserve interests. After the approval of an application, and before the activity begins, the permittee should meet with the SUP coordinator to accomplish the following:

- review the final terms/conditions, scheduling, and any special instructions pertaining to the respective project
- complete an on-site visit, if necessary
- provide an original certificate of insurance, and if required, a bond
- pay estimated costs, if required
- sign and obtain a copy of the special use permit

IMPORTANT: Any activities not specified in the permit will not be allowed. No activities on National Park Service property may begin until the permit has been approved by the Preserve and agreed to by the permittee. All permits include the requirement that the site be cleaned and restored at the end of your use. Normal visitor use patterns should not be interrupted for longer than five minutes, and only as specified in the approved permit. Audio and lighting restrictions apply to prevent disruption of visitor activities and/or disturb visitors. Large reflectors, silks, camera track, jibs, cranes, generators, large props, crowd scenes, foggers, and oversized vehicles are discouraged and are only authorized on a case-by-case basis, dependent on location, time of year, time of day, and other mitigating factors.

Preserve Entrance Fees

Commercial photographers and their crew who obtain a filming permit from the National Park Service are recognized as not being in the Preserve for recreational purposes for the duration and purposes of that permit, and as such, are exempted from paying entrance fees. This waiver does not extend to other recreational fees such as campground, or dump station use.

Cancellations

Notification of delays or schedule changes for start of activities must be provided to the SUP coordinator at least 36 hours in advance. Failure to provide such advance notification will result in a non-refundable, minimum cancellation fee of \$100 for each NPS employee assigned to the project. In addition, you are responsible for all National Park Service costs up to the time of cancellation. If the cancellation is weather related, we will attempt to make accommodations. Administrative costs are mandatory and non-refundable.

Denial of Permit

Filming permits may be denied for any of the following reasons:

- Resource damage - If it is determined by the superintendent or his/her designee that the filming activity represents a threat to the resource, including wildlife.
- Supervisory requirements - If supervisory requirements for the proposed filming project will place unreasonable burdens on staff capacity, irrespective of the permittees willingness to pay supervisory costs.
- Disruption of visitor activities - If the proposed filming would conflict with the visitors' normal use of the Preserve.

- Prohibited or restricted activities - Permits will not be issued that would allow filmmakers to enter areas closed to the general visiting public, or that would allow activities not permitted to the visitor except for cooperative activities as an agent of the National Park Service.
- Illegal Portrayals – The project depicts activities not permitted in a recognized park area.
- Inability to obtain insurance/bonding.
- Failure to agree to pay assessed cost recovery.

Monitoring

Filming activities will be monitored by a qualified BICY employee to assure full compliance with all of the terms and conditions of the permit. Degree of monitoring is based on crew size, equipment, props, and scope of project, location, time of day, and time of year. When a project involves substantial numbers of people and equipment, or if it involves a location that is environmentally sensitive or heavily visited, supervision will be on-site and continual. A ranger or representative may spot-check during the filming to assure compliance when the operations involve only a few people or minimal amounts of equipment, or take place in areas where there is little, if any, possibility of resource impact, inconvenience to visitors, or violation of permit conditions. The resulting staff costs will be recovered from the permittee.

Site Scouting

If Preserve employees are requested to assist with site scouting, the fee schedule above applies. Please call in advance to schedule a meeting with a site scout if you would like assistance from Preserve staff.

Conditions

Special conditions and restrictions will be noted on the permit and we will specify the number of people and the exact types of equipment allowed. All federal, state, and local laws and regulations apply to the operation of vehicles and equipment.

The following activities are restricted and must be approved on a case by case basis: 1) use of children or animals, 2) discharge of blank ammunition and all black powder weapons, 3) mechanical or pyrotechnic special effects, 4) stunts, 5) amplified music or sound, 6) placing of large set dressings, 7) filming/photography inside interiors of government administrative work areas, 8) film equipment or activities on roadways, 9) access to closed areas or access to areas during non-visitor use hours. The permit will specify the number of people and the exact types of equipment allowed. Activities not specified in the permit will not be allowed by the NPS monitor on duty.

Please note that the permit does not include authority to film or photograph individuals. Model releases are the responsibility of the permittee.

Closures

Permit activities may be restricted based on weather or seasonal conditions (fire danger, standing water after rain, nesting season, etc.). Additional closures use limits and/or restricted activities are listed in the superintendent's Compendium.

Prohibited Activities

Activities having the potential to damage or significantly impact or alter park resources are prohibited. The following are also prohibited: 1) altering, damaging or removing vegetation, 2) vehicle use off established/designated roads, trails and parking areas, 3) use of insecticides, herbicides and pesticides, 4) loud noises (60 decibels or higher) between 10:00 p.m. and 6:00 a.m., 5) smoking in buildings, on boardwalks or in vegetated areas, 6) use of fragile vegetation areas, except on trails or already disturbed areas (as determined by NPS), 7) flying aircraft below FAA recommended minimum altitude (usually 2,000 feet) or landing of aircraft except at designated landing sites 7) writing on or discoloring any natural feature or structure.

Harassment of wildlife is prohibited by law. Filming of wildlife is permitted as long as there is NO disturbance, feeding, teasing, or manipulation of resident or free-roaming animals. Wildlife captured elsewhere may NOT be used in any in-park filming, whether trained or not.

Aircraft

Use of aircraft, helicopters, or gliders is strictly regulated in the Preserve. Wildlife nesting habitat, expectation of solitude in the backcountry areas, and safety are our primary consideration with regard to over flight activities. Therefore, aerial filming is rarely allowed. Parachuting is prohibited.

Termination of Permit

All filming or photography permits issued by the National Park Service are "revocable" on 24 hours notice or WITHOUT NOTICE if the terms of the permit are violated. Deliberate infractions of the terms of the filming permit or the deliberate making of false or misleading statements concerning intended actions in order to obtain a permit are causes for immediate termination of the permit and cause for possible prosecution. Permits will be revoked if damage to resources or facilities is threatened, or if there is a clear danger to public health or safety.

Sharing the Preserve

A filming or photography permit does not allow the permittee to restrict park visitors from any location; therefore, sites, which attract a large number of visitors, should be avoided. Normal visitor use patterns will not be interrupted for longer than five minutes, (or whatever is appropriate) and only as specified in the approved permit. Film/photography permit activities may not occur simultaneously with other permitted activities or unduly conflict with scheduled public activities. Visitors will be allowed to watch filming.